

REMARKS

The allowance of Claim 18 is gratefully acknowledged.

A number of typographical errors in the specification have been corrected. It is respectfully requested that the Examiner approve of these corrections.

Claims 1-17 were rejected under 35 U.S.C. §102(b) and §103(a) as being anticipated or unpatentable in view of US Pat. 6,156,450 (Bailey). Claim 1, which has been amended to require a defibrillator, describes a defibrillator test device for testing a defibrillator which delivers an electrical pulse through electrodes, comprising an electrical resistive material, at least two contact areas electrically connected to the resistive material and to the defibrillator electrodes during testing, and a temperature reactive material in contact with the electrical resistive material which reacts in response to delivery of an electrical pulse by the defibrillator. While the Bailey invention is concerned with a number of electrochromic battery testers involving LCD displays, the background section of the Bailey patent makes reference to a battery tester including a resistor with thermochromic ink which changes colors (e.g., from one color to another or from opaque to transparent) in response to the temperature of the resistor. This plainly suggests that a resistor with thermochromic ink is an acceptable battery tester for a battery of a few volts. Furthermore, such a battery tester operates by applying the battery tester to the resistor for an appreciable period of time while the battery is being tested. A defibrillator is quite different, operating at voltages of hundreds or (in the case of an external,

transthoracic defibrillator) thousands of volts. Furthermore, as explained on page 6 of the present application, the defibrillation pulse is very short, generally on the order of 15 msec or less. Both of these characteristics are incompatible with the tester referenced in the Bailey patent and would raise considerable doubt in the mind of one skilled in the art as to the applicability of the Bailey testers to a defibrillator with its high voltage, short duration pulse. With the specifics of a defibrillator and its electrical pulse now included in Claim 1, it is respectfully submitted that Claim 1 and its dependent claims are now patentable over Bailey.

Claim 17 has been amended to require a defibrillator and its defibrillation pulse and it is therefore respectfully submitted that Claim 17 is now patentable by reason of these amendments.

New dependent Claims 19-22 have been added to recite additional features of the claimed invention, including a relationship between the visual indication and the defibrillator energy delivered (page 5, lines 4-18), the relative durations of the indication and the defibrillator pulse (page 4, lines 22-29), and the use of paddle electrodes (page 5, lines 4-8). It is respectfully submitted that these claims are allowable by reason of their subject matter and their dependency.

In view of the foregoing amendment and remarks it is respectfully submitted that Claims 1-6, 8-9, 13-17, and 19-22 are now patentable over Bailey. Accordingly it is respectfully requested that the rejection of these claims under 35 U.S.C. §102(b) and §103(a) be withdrawn.

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In light of the foregoing amendment and remarks, it is respectfully submitted that this application is now in condition for allowance. Favorable reconsideration is respectfully requested.

Respectfully submitted,

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